

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHANIKKA DAVIS,

Plaintiff,

v.

19-CV-904 (JLS)

MR. MONACO, MS. HOOKS,
PATRICIA CUDNEY, SHERIFFS
OFFICER A INVESTIGATOR,
STACEY HENRY, SHERIFFS
OFFICER B INVESTIGATOR,
AMANDA IRONS, JASON BERENT,

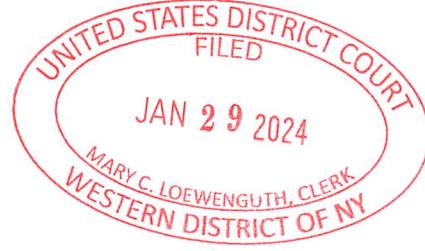
Defendants.

DECISION AND ORDER

Pro se Plaintiff Chanikka Davis commenced this action under 42 U.S.C. section 1983 on July 8, 2019. *See generally* Dkt. 1. This Court granted Davis leave to file an amended complaint, which she filed on February 11, 2021. Dkt. 9. Davis alleged several violations of her constitutional rights. *Id.* Defendants filed a motion to dismiss Davis's amended complaint. Dkt. 27.

On October 24, 2023, Judge Schroeder issued a Report, Recommendation, and Order ("R&R")¹ recommending this Court grant Defendants' motion to dismiss. Dkt. 47. Davis filed a "motion for hearing" on October 18, 2023, Dkt. 48, which the Court construed as Davis's objections to Judge Schroeder's R&R. The Court set a

¹ This Court referred the case to United States magistrate Judge H. Kenneth Schroeder for all proceedings under 28 U.S.C. sections 646(b)(1)(A), (B), and (C). Dkt. 26.



briefing schedule on Davis's objections. Dkt. 49. Neither party made further submissions.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. section 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. *See Thomas Arn*, 474 U.S. 140, 149–50 (1985).

This Court carefully reviewed the R&R, the objections, and the relevant record. Based on its *de novo* review, the Court accepts and adopts Judge Schroeder's recommendation. For the reasons stated above and in the R&R, Defendants' motion to dismiss (Dkt. 27) is GRANTED and the amended complaint is dismissed.

The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: January 29, 2024
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE